



COUNTY of ISLE OF WIGHT

THE COURTHOUSE

NOV 15 2010

November 5, 2010

Ms. Lisa Jackson, Administrator
 Water Docket, Environmental Protection Agency
 Mailcode: 28221T
 1200 Pennsylvania Ave., NW.
 Washington, DC 20460

Docket ID No. EPA-R03-OW-2010-0736

Dear Ms. Jackson:

Since 1634, Isle of Wight County has enjoyed the benefit of having a coastline on the James River, and as such we are committed to reduce nutrient and sediment loadings to help restore the Chesapeake Bay's vital waters and rich estuarine communities. We are a rural county that is committed to natural resource preservation and the promotion of sustainable land uses that protect water quality. Evidence of our dedication to conservation is the county's recent purchase of 2,500 acres of ecologically valuable land that will be preserved in a conservation easement and managed as a natural preserve and forestry area in perpetuity. The County also recently placed the forested land behind the municipal facility in a conservation easement to protect the associated watershed and unique natural resources.

In spite of our endorsement of improving Bay water quality, we object to the EPA's approach to the TMDL for several reasons. We are regulated as a small MS4 with unique characteristics that preclude retrofit techniques available to more urban localities; we also lack significant tracts of county-owned land that would typically be targeted for urban retrofits. Additionally, we support the Hampton Road Planning District Commission's (HRPDC) following positions that are outlined in more detail in HRPDC Chairman Stan D. Clark's November 8, 2010 letter to you:

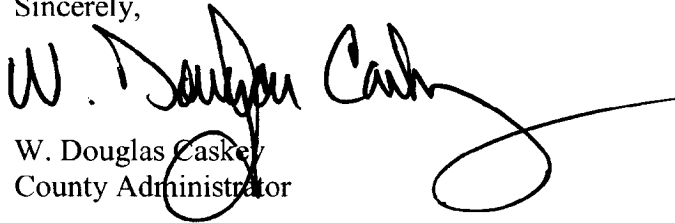
- The EPA has not provided reasonable assurance that the urban runoff sector allocations can be achieved by 2025.
- The EPA does not have the legal authority to establish a deadline in the TMDL.
- The EPA has failed to provide the localities with a reasonable opportunity to review, evaluate, and comment on the basis for the proposed allocations.

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- The Phase 5.3 model and model inputs are not sufficiently developed to produce reliable predictions.
- The modeling predictions do not justify use of the chlorophyll-*a* criteria as the basis for the James River basin allocations.

We look forward to the EPA's careful consideration of the referenced concerns and to a modified approach that will lead to a more effective result for the Bay.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Douglas Caskey", with a long, sweeping horizontal line extending to the right.

W. Douglas Caskey
County Administrator

cc: Doug Domenech, Secretary of Natural Resources
John Carlock, HRPDC